IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.79263-M of 2006

DATE OF DECISION: DECEMBER 18, 2006

Pawan Kumar

...PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. G.S.Sandhawalia, Advocate,
for the petitioner.

...

Petitioner Pawan Kumar apprehending his arrest in a non-bailable offence in case FIR No.317 dated 28.8.2006 registered under Sections 406/420/465/467/468/471/120-B/109/34/504 and 506 IPC at Police Station Shahbad, District Kurukshetra, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

I have heard the counsel for the parties and gone through the contents of the FIR as well as the order dated 22.9.2006 passed by the Addl.Sessions Judge, Kurukshetra, whereby anticipatory bail has been declined to the petitioner.

As per the allegations in the FIR, the petitioner, who is a travel agent, and his wife alleged to have taken an amount of Rs.1,52,000/- from the complainant for sending his son to Malaysia. It is the case of the petitioner that he had taken the aforesaid amount from the complainant for rendering his services. Counsel for the petitioner contends that a letter was received from the Malaysian Immigration Officer whereby seven persons were called for issuance of their work permits as Plantation Workers to the Consulate General of Malaysia, Chennai. The name of the son of the complainant also figured in the said letter, but the son of the complainant himself had not gone to Chennai. As per the allegations in the FIR, the amount was taken from the complainant, but his son was not sent to Malaysia and, therefore, they have been cheated.

The letter Annexure P-5 referred by the petitioner was not addressed to the complainant. All these documents are to be proved during the trial, but the factum of taking the amount from the complainant, who is a poor person, has been accepted. The anticipatory bail was granted to the wife on the contention that the amount in question was taken by her husband and she has been implicated only being the wife of the petitioner. The taking of the amount has not been disputed and the counsel for the petitioner could not refer to any provisions under which the travel agent can obtain such a huge amount from the poor person for sending his son abroad. In these circumstances, I am not inclined to grant anticipatory bail to the petitioner.

Dismissed.

December 18, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE